



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, DC 20240

APR 3 2012

Re: **103 South Main Street, Pueblo, Colorado**
Project Number: 20224

Dear

I have concluded my review of your appeal of the decision of Technical Preservation Services (TPS), National Park Service (NPS), denying certification of the rehabilitation of the property cited above. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you, for meeting with me in Washington on March 20, 2012, and for providing a detailed account of the project.

After careful review of the complete record for this project, I have determined that the rehabilitation of 103 South Main Street is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). Therefore, the denial issued on December 23, 2011, by TPS is hereby affirmed.

Built in 1917, 103 South Main Street is located in the Union Avenue Historic District. The structure was certified as contributing to the significance of the historic district on August 2, 2007. The rehabilitation of this "certified historic structure" was found not to meet the Standards owing to the construction of a rooftop addition deemed by TPS to be incompatible with the historic character of the building.

Regrettably, I agree with this determination. The addition rises approximately 14 feet above the parapet of the two-story building on which it sits, and has noticeably altered the structure's size, form, and massing. As a result, this prominent new feature causes the rehabilitation to contravene Standards 2 and 9 of the Standards for Rehabilitation. Standard 2 states: "*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*" Standard 9 states: "*New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*"

With regard to two- and three-story buildings, new rooftop additions are almost always so prominent as to substantially diminish their historic character. In rare instances, rooftop additions may be acceptable where taller buildings stand on either side, where the addition itself is set back from the building front, and where it is difficult if not impossible to see the addition from directly across the street or at an angle from down the street in densely-built urban neighborhoods. Unfortunately, as the photographs examined during our meeting show, the situation at hand presents none of those circumstances. It is a freestanding structure with its long facade facing Pueblo's urban riverwalk park, making the entire building visible

from a considerable distance to the north, east, and south. Although the nearest building, on the west side, is lower than this one; the addition extends high above that building's parapet. The rooftop addition is thus prominently visible from all directions.

At our meeting you spoke of the positive effects the rehabilitation of the structure has had on the City of Pueblo in general, and on the Union Avenue Historic District in particular. I have no doubt about the beneficial effects of reviving abandoned or underused buildings such as this one; however, the law establishing the rehabilitation tax credit requires that rehabilitations of historic buildings must be consistent with the historic character of such buildings, and that is unfortunately not the case here. Moreover, Department of the Interior regulations governing the program state that, "*In situations involving rehabilitation of a certified historic structure in a historic district, the Secretary will review the rehabilitation project first as it affects the certified historic structure and second as it affects the district and make a certification decision accordingly.*" [36 CFR §67. 6(b)(6)]

Lastly, I congratulate you on your purpose in undertaking this rehabilitation: as a place to house the Center for American Values. Given this worthy mission, I share the regret voiced in the TPS decision that the project was so nearly complete before either the State Historic Preservation Office or the NPS had the opportunity to review or comment on it, and thus to suggest ways of meeting the minimum statutory test for certification. The NPS has always recommended in program regulations, in the application instructions, and in its basic program brochure, that owners apply before beginning work. While owners are free to apply after work has begun, the program regulations caution that, "*Owners who undertake rehabilitation projects without prior approval from the Secretary do so strictly at their own risk.*" [36 CFR § 67.6(a)(1)]

As Department of the Interior regulations state, my decision is the final administrative decision with respect to the December 23, 2011, denial that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John A. Burns', with a stylized, flowing script.

John A. Burns, FAIA
Chief Appeals Officer
Cultural Resources

cc: SHPO-CO
IRS